

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-294-FDW-DSC**

THIS MATTER is before the Court on its August 6, 2021, Order, (Doc. No. 3).

The *pro se* Plaintiff, a frequent litigant in this Court, filed the instant civil rights action under 42 U.S.C. § 1983. (Doc. No. 1). In an Order entered on August 6, 2021, the Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915(e). (Doc. No. 3). The Court granted Plaintiff the opportunity to amend the Complaint within 30 days and cautioned him that the failure to do so would result in this case's dismissal without further notice. (Id.).

Plaintiff failed to amend his Complaint in accordance with the August 6 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with

the Court's August 6, 2021 Order.

2. The Clerk of this Court is directed to close this case.

Signed: September 14, 2021



Frank D. Whitney
United States District Judge

